

Remarks

The present invention provides a shooting rest which mounts to a receiver at the rear of a vehicle. The shooting rest includes a horizontal support (horizontal mounting element 36). Horizontal mounting element 36 includes a joining member 38 to which it is hinged by a yoke 40. Yoke 40 permits horizontal mounting element 36 to pivot to the right and to the left such that horizontal mounting element 36 is perpendicular to the receiver at the rear of the vehicle. By permitting rotation of the horizontal mounting element 36 in the yoke, a shooter may align the shooting rest with the target which may lie to the right or the left of the vehicle. Applicant's shooting rest may also be transported folded flat against the bumper without removal from the vehicle.

Paragraph 2 Of The Office Action

Applicant's claims 1, 6 and 7 were rejected as being unpatentable over U.S. patent No. 6,269,578 to Callegari in view of U.S. patent No. 5,664,717 to Joder.

Joder

Joder shows a hinge which is stopped from rotation beyond 180 degrees. As shown in the drawings, Joder's hinge pivot assembly 20 permits the rotation of movable horizontal support arm 18 between a position parallel with the bumper centered on the back of the vehicle (Figs. 1 and 6) to a position parallel with the bumper pivoted to the right side of the vehicle (Figs. 2 and 7). Hinge pivot assembly does not permit rotation beyond 180 degrees in either direction (column 3, lines 48-51). In the position shown in Fig. 2, end cap 24 contacts the end of fixed horizontal

support arm 16 stopping further rotation. If Joder's hinge pivot assembly permitted free rotation beyond 180 degrees in the manner of applicant's construction, the bicycles would strike the right side of the vehicle.

Callegari

Callegari shows a horizontal support (20) mounted in the receiver (1), a vertical support (40) for a bench rest platform (60 or 70) and a seat (80) slidable on the horizontal support. A jack (30) is provided for bracing up the horizontal support between the seat and the vertical support. As such, Callegari's bench rest points straight out from the bumper. To change the direction of the platform, it would be necessary to move the vehicle, which would likely startle any intended target. Callegari makes no provision for "aiming" the platform at the target which is possible with applicant's construction. Callegari also makes no provision for adjusting the seat up and down or for tilting the platform by rotating the horizontal support about the yoke.

Callegari's bench rest requires setup after the user has driven to a location where shooting is to occur and removal before the vehicle can be driven away. If not removed, horizontal support would likely extend beyond the legal limit in most states without flagging and jack 30 would drag on the ground.

Missing Elements

Joder does not show a yoke (hinge) with the properties required by applicant's claims, i.e., permit the horizontal support to rotate to the right or left into a position perpendicular to the vehicle hitch. In applicant's construction, this permits

the platform to be aimed at the target and in the extreme right or left positions permits the device to be transported on the vehicle without taking it off, neither of which is possible with Callegari's support.

No Motivation to Modify

There is no motivation to modify Joder in the direction taken by applicant. If Joder's hinge was redesigned such that it permitted rotation beyond 180 degrees, the carrier would no longer be useful for its intended purpose as the load would strike the right side of the vehicle to which the carrier is attached. Application of Joder's teachings of a limited hinge to Callegari would result in a bench rest that folds flat against the bumper in one position and rotates only to the right side of the vehicle in the second position. This odd arrangement does not meet applicant's claims or the practical requirements of utility.

In general, obviousness is not found when the proposed modification would destroy the utility of the item for which modification is proposed and without some modification, the combination of Callegari with Joder does not result in the subject matter of applicant's claims. It is therefore believed that claims 1, 6 and 7 are patentable over Callegari in view of Joder.

Paragraph 3 of The Office Action

Claims 2-5 and 8-20 were rejected as being unpatentable over Callegari in view of Joder, as applied to claims 1, 6 and 7, and further in view of U.S. Patent No. 4,937,965 to Narvaez.


Narvaez

Narvaez shows an entirely different style of bench rest mounted on the bed of a truck. The seat and the platform are independently adjustable up and down but unlike applicant's construction, the tube supporting the seat does not also serve as a pivot pin for a hinge. Narvaez's platform can be tilted front to back but not side to side as required by applicant's claims 21-23. In addition, Narvaez's bench rest is illegal in most states as it is illegal to hunt from a vehicle.

For the reasons given above, it is believed that Callegari in combination with Joder fails to teach or suggest applicant's construction. Combining Narvaez does not supply the elements missing in the primary and secondary references and the claims are therefore believed patentable.

In view of the above amendments and remarks, it is believed that the claims are in condition for allowance. Reconsideration of the application and allowance of the claims are respectfully requested.

Respectfully submitted,


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AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 24, 2005.


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